
EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u>	<u>Transmittal No.</u> 11APX-03
<input type="checkbox"/> All Child Care Evaluator Manual Holders <input type="checkbox"/> All Residential Care Evaluator Manual Holders <input checked="" type="checkbox"/> All Evaluator Manual Holders	<u>Date Issued</u> March 2011

Subject:

2010 Chaptered Legislation

Appendix A - Community Care Facilities (Children's Residential)

Reason for Change:

This document transmits summaries of legislation chaptered in 2010 affecting Community Care Facilities (Children's Residential). The summaries are divided into two sections as follows:

1. Immediate Action Required - Interim instructions are provided.
2. Information Only - No action required by the Community Care Licensing Division

An index is attached to assist staff in locating specific bills. Statutes referenced in this document became operative on January 1, 2011.

Filing Instructions:

INSERT – 2010 Chaptered Legislation. Do not remove similar documents from the previous years.

Approved:*Original signed by Thomas Stahl**3/22/2011*

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SUMMARY AND IMPLEMENTATION PLANS 2010 CHAPTERED LEGISLATION

COMMUNITY CARE FACILITIES CHILDREN'S RESIDENTIAL

BILL NUMBER/AUTHOR	SUBJECT	PAGE
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ACTION REQUIRED

AB 12 /Beall and Bass	Community Treatment Facilities, Foster Family Agencies (Certified Family Homes), Foster Family Homes, Group Homes, Small Family Homes, and Transitional Housing Placement Programs: California Fostering Connections to Success Act	1
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Unless otherwise noted, all new legislation becomes effective on January 1, 2011. When conducting licensing visits, LPAs should, to the extent practical, make sure that providers are aware of any new requirements. However, regardless of whether this information is provided, it is the licensee's responsibility to be aware of any new requirements affecting their program.

ACTION REQUIRED

Assembly Bill 12 (Beall and Bass) Chapter 559, Statutes of 2010

Affects: Community Treatment Facilities, Foster Family Agencies (Certified Family Homes), Foster Family Homes, Group Homes, Small Family Homes, and Transitional Housing Placement Programs

Subject: California Fostering Connections to Success Act

Summary: Assembly Bill (AB) 12 aligns California law to comport with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351). This bill amends Welfare and Institutions Code (Welf. & Inst. Code) sections 11400(v) and section 11403 to phase in the eligibility of a “nonminor dependent” to remain in foster care, permitting support up to age 19 beginning January 1, 2012; up to age 20 beginning January 1, 2013; and with approval by the Legislature, up to age 21 beginning January 1, 2014.

It defines a “nonminor dependent” and codifies five criteria for continued Title IV-E funding for this population at age 18, 19 and 20. (Welf. & Inst. Code, §§ 11400(v) and 11403(b).) To remain in foster care, a “nonminor dependent” must be:

- Completing secondary education or a program leading to an equivalent credential;
- Enrolled in an institution which provides post-secondary or vocational education;
- Participating in a program or activity designed to promote, or remove barriers to, employment;
- Employed for at least 80 hours per month; or
- Incapable of doing any of the activities above due to a medical condition when this incapability is supported by regular updates to the “nonminor dependent’s” case plan.

This bill applies to current or former dependent children or wards of the juvenile court, who meet one or more of the criteria listed above, consistent with their transitional independent living case plan (Welf. & Inst. Code, § 11403(a).)

AB 12 amends Health and Safety Code sections 1501.1(b) and (d) to specify that “nonminor dependents” may be placed in the same children’s residential community care facilities (CCF) as other children with varying designations and needs.

The bill adds Health and Safety Code section 1502.7(b)(2) to exempt “nonminor dependents” from criminal background clearances when they are placed in a CCF.

However, the bill amends Health and Safety Code section 1501.1(d) to require that an “appraisal” be conducted prior to the “nonminor dependent” being placed in a Foster Family Home (FFH) or Certified Family Home (CFH), the two children’s residential facility categories required to have an appraisal. The appraisal of a “nonminor dependent’s” needs and the ability of the receiving home to meet those needs must confirm that placement of the “nonminor dependent” in a FFH or CFH poses no threat to any child in the home. The appraisal must be conducted jointly by the placement agency and the FFH, or, in the case of a CFH, the placement agency and the foster family agency.

Implementation:

- Licensing Program Analysts (LPAs) are advised that the inclusion of “nonminor dependents” in foster care will be phased in over three years. A children’s residential CCF may retain or accept, without an age exception or waiver, “nonminor dependents” in care at age 18 beginning January 1, 2012; age 19 beginning January 1, 2013; and with approval by the Legislature, age 20 beginning January 1, 2014.
- A “nonminor dependent” may receive care and supervision in any licensed children’s residential CCF, except a Crisis Nursery. A “nonminor dependent” may also be placed with a younger sibling in a Group Home for Children Under the Age of Six Years in compliance with Section 84268.1(c) if the group home meets the needs of the “nonminor dependent.”
- If a child is in foster care in the months before turning 18, the court shall ensure that the child meets the criteria for becoming a “nonminor dependent.” A “nonminor dependent” may be retained in the same children’s residential CCF where he or she was placed prior to turning 18 or move to another children’s residential CCF consistent with the transitional independent living case plan.

If a “nonminor dependent” exits foster care for a trial period of independence, but then wants to return to care, he or she may petition the Juvenile Court to reenter foster care. If the court grants the petition, the “nonminor dependent” may return to the same children’s residential CCF where he or she was placed prior to turning 18 or be placed in another children’s residential CCF consistent with the transitional independent living case plan.

- Regardless of whether a “nonminor dependent” remains in or returns to foster care, he or she is a “client” and is not subject to the criminal background clearance required by Health and Safety Code section 1522.

However, a FFH or CFH that retains or accepts a “nonminor dependent” must have an appraisal of the “nonminor dependent’s” needs and the ability of the

home to meet those needs. The appraisal must be conducted as specified in Health and Safety Code section 1501.1(d) and confirm that the placement poses no threat to any children in the home.

An LPA shall not cite for lack of a criminal background clearance on a “nonminor dependent.” However, an LPA shall cite under Health and Safety Code section 1501.1(d) and issue a Plan of Correction if a FFH or CFH does not have the required appraisal.

If a “nonminor dependent” remains in or returns to foster care in a children’s residential facility or home that is dually licensed as a Family Child Care Home (FCCH), he or she is subject to the criminal background clearance required for FCCH by Health and Safety Code section 1596.871(b)(1)(B).

- Until regulations are developed regarding health and safety standards for “nonminor dependents” as legal adults, all existing health and safety regulations for children’s residential CCF shall be extended to “nonminor dependents” on January 1, 2012. LPAs shall cite regulations and statute accordingly.
- An Information Release to precede regulations will be published on or before October 1, 2011, to be effective January 1, 2012. Regulations will be developed in collaboration with stakeholders by July 1, 2012. Applicable revisions to forms and the Evaluator Manual will follow.

ACTION REQUIRED

Senate Bill (SB) 1214, Chapter 519, Statutes of 2010

Affects: Crisis Nurseries

Subject: Crisis Nurseries

Summary: SB 1214 amends multiple sections of the Health and Safety Code (HSC) and Welfare and Institutions Code that pertain to Crisis Nurseries (CN). Some of the changes to these sections become effective January 1, 2011 while others do not become effective until July 1, 2012.

Effective January 1, 2011:

- An amendment to HSC section 1516(c) incorporates additional language to the definition of “voluntary placement.” The new language prohibits the voluntary placement of a child in a crisis nursery who has been removed from the care and custody of his or her parent(s) or legal guardian(s) and placed in foster care by a child welfare services agency.
- The sunset date for the licensing category of CN is extended to July 1, 2014.

Effective July 1, 2012:

- HSC section 1516 will be amended to repeal subdivisions that make reference to county placements. Specifically, in HSC 1516(a), the definition of “crisis nursery” is amended to exclude placements by a county welfare services agency.
- This exclusion includes all temporary emergency care for county placements.
- Reporting requirements for a monthly report have been eliminated and replaced with information that CN need to maintain, and shall be made available to the department upon request.
- SB 1214 also eliminates existing limitations of licensure for a CN. CN could only be licensed if they met certain conditions that include: operating as a Group Home for children under six, or intend to operate a CN in one of 7 northern California counties. Effective this date, CN may be licensed anywhere in California.

Implementation:

Licensing Program Analysts (LPAs) are advised that the change to be implemented January 1, 2011 is as follows:

- The definition of “voluntary placement” is now more restrictive and excludes the placement of a child who is under the care and supervision of a relative or foster parent. Until the promulgation of regulations, LPAs are to cite HSC 1516(c) if CN are found in violation of accepting children who are in foster care.

INFORMATION ONLY – NO ACTION REQUIRED

AB 222 (Adams), CHAPTER 431, STATUTES OF 2010

Affects: The TrustLine Registry

Subject: Child care

Summary: Senate Bill 702 (Chapter 199, Statutes of 2009) required employees 18 years of age and older in child care centers, provided by businesses as a service to their customers, to be registered with TrustLine. AB 222 amended this statute and specifically provided that a person under 18 shall not be prevented from being employed in an ancillary day care center.

The provisions of this bill became effective January 1, 2011.

Those individuals who have clearances through TrustLine may request to have their clearance transferred to a state licensed facility. Those individuals, who have an existing clearance for an adult or senior care facility type, must first obtain a Child Abuse Clearance Index check before they can be placed on the TrustLine Registry.

Exemption transfers are still subject to approval by the Caregiver Background Check Bureau (CBCB) before an individual can reside or work in a licensed facility or be placed on the TrustLine Registry. However, if a condition was placed on the licensing exemption, that exemption cannot be transferred to the TrustLine Registry.

In addition, transfers cannot be made between TrustLine and county licensed Family Child Care homes and Foster Family Homes.

Licensing Program Analysts must follow existing procedures outlined in Evaluator Manual sections 7-1100 Transferring a Clearance and 7-1770 Exemption Transfers. Any additional questions should be directed to the CBCB.